

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:02cv540

STRATEGIC OUTSOURCING, INC.,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
CONTINENTAL CASUALTY COMPANY,)	
)	
Defendant.)	
)	
)	

THIS MATTER is before the Court pursuant to motions by Continental Casualty Company (“CNA”) (Doc. No. 119) and Strategic Outsourcing, Inc. (“SOI”) (Doc. No. 233) to supplement the trial record. According to local practice, the parties were directed to maintain control of trial exhibits. Now, the parties move for an order to include certain exhibits in the record on appeal. SOI does not object (Doc. No. 233 at ¶ 1) to exhibits designated by CNA.

IT IS, THEREFORE, ORDERED that CNA’s motion (Doc. No. 119) is GRANTED in its entirety, and the exhibits designated therein shall be included in the record on appeal.

CNA objects to some of SOI’s designated exhibits, but not to others. Federal Rule of Appellate Procedure 10(a) specifies that the original papers and exhibits filed in the district court are to be included in the record. Regarding pages of deposition testimony offered by SOI, CNA objects to all but the particular lines excluded by the Court. (Doc. No. 234 at ¶¶ 3-9). The full pages, not just the particular lines, were before the Court when it made its evidentiary rulings. Therefore, the Court finds that the deposition pages designated by SOI should be included to

complete the record. Additionally, CNA objects to SOI's Exhibit 365, a definition from Webster's Dictionary. SOI sought introduction of the Webster's definition, which the Court denied. (TR at 1051). Accordingly, the Court finds that SOI's Exhibit 365 should also be included in the record. The remainder of SOI's proffered exhibits are not objected to by CNA.

THEREFORE, IT IS FURTHER ORDERED that SOI's motion (Doc. No. 233) is GRANTED in its entirety, and the exhibits designated as offers of proof therein shall be included in the record on appeal.

Signed: June 8, 2007



Robert J. Conrad, Jr.
Chief United States District Judge
